

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Inventor(s):** Lowell et al. **Confirmation No.:** 7663  
**Serial No.:** 10/676,557 **Examiner:** Qing Chen  
**Filed:** October 1, 2003 **Group Art Unit:** 2191  
**Title:** Interposing A Virtual Machine Monitor And Devirtualization Computer Hardware

**MAIL STOP PETITION  
COMMISSIONER FOR PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450**

**SIR OR MADAM:**

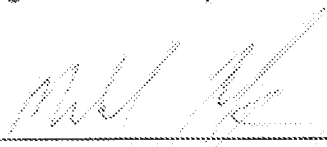
DECLARATION OF MICHAEL J. KRAFT IN SUPPORT OF A PETITION TO WITHDRAW THE  
HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE AN OFFICE ACTION

I, Michael J. Kraft, having an address of 3404 East Harmony Rd., Fort Collins, CO 80528 hereby declare as follows:

1. I am currently a Patent Paralegal for the Hewlett-Packard Corporate Legal Department. I have held this position since November 8, 1999.
2. My responsibilities include maintaining a corporate mail log of formal papers received from the Patent and Trademark Office addressed to the Hewlett-Packard Company, Intellectual Property Administration office.
3. The procedure for handling formal papers received from the Patent and Trademark Office is as follows:
  - a. Mail received from the Patent and Trademark Office is opened and each individual document is scanned into a Portable Document Format (PDF) file.
  - b. A stamp is added to each PDF file showing the date received.
  - c. The documents are entered into the Hewlett-Packard Legal Department's mail log to identify each of the documents with the following criteria:
    - i. Internal docket number
    - ii. Application serial number
    - iii. The date of receipt by Hewlett-Packard Company, Intellectual Property Administration
    - iv. Mailing date from the U.S. Patent and Trademark Office
    - v. Type of document
    - vi. Action Due

- d. A mail log report is generated; the documents are double-checked against the mail log report and then uploaded into the Hewlett-Packard Legal Department's image database. The original paper is filed and stored for a period of two months.
4. Appendix A shows the Hewlett-Packard Legal Department mail log listing the documents with a mailing date of April 17, 2007. If a Non-Final Rejection was received from the Patent and Trademark Office for patent application number 10/676,557, this document would have been logged in the mail log as an Office/Examiner's Action with an action due of OA 3 MO reflecting a mailing date of April 17, 2007. This document is not listed in Appendix A.
5. Appendix B shows the Hewlett-Packard Legal Department's image file wrapper for patent application number 10/676,557. I have reviewed the files listed in the image file wrapper and the Non Final Rejection mailed on April 17, 2007 is not included.
6. It is my belief that the Non Final Rejection mailed on April 17, 2007, for patent application serial number 10/676,537, was not received by Hewlett-Packard Company, Intellectual Property Administration.
7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 21<sup>st</sup> day of February, 2008

  
\_\_\_\_\_  
Michael J. Kraft  
Patent Paralegal  
Hewlett-Packard Legal Department  
Intellectual Property Administration

## Mail Log Affidavit (Appendix A)

2/21/2008

Mailing Date	Application Number	Hewlett-Packard Document Number	Type of Document	Action Due	Date of Receipt
4/17/2007		200405654-4	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007		200507440-3	E-Mail & Correspondence - Foreign Agent		4/18/2007
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4/17/2007		200312543-4	Notice (Other)		4/23/2007
4/17/2007		200403928-4	E-Mail & Correspondence - Foreign Agent		4/24/2007
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4/17/2007		200404711-6	E-Mail & Correspondence - Foreign Agent		4/24/2007
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4/17/2007	01303593.6	10992709-4	E-Mail & Correspondence - Foreign Agent		4/18/2007
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4/17/2007	02257519.5	10003489-4	Transmittal Package - Response/Amend		5/14/2007
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4/17/2007	0417225.0	200310372-3	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007	0422722.9	100202667-2	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007	0424066.9	200312283-2	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007	04253153.3	200209318-3	E-Mail & Correspondence - Foreign Agent		4/18/2007
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4/17/2007	04779379.9	200209322-5	Transmittal Package - Response/Amend		4/20/2007

## Mail Log Affidavit (Appendix A)

2/21/2008

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4/17/2007	04783944.4	200207971-5	Notice (Other)	REQUIRED DOCUMENTS	5/17/2007
4/17/2007	04785555.6	200313240-3	E-Mail & Correspondence - Foreign Agent		4/18/2007
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4/17/2007	05250710.0	200300677-2	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007	05815947.6	200403636-3	Notice (Other)	AMEND APPLICATION	4/20/2007
4/17/2007	06020010.2	200403193-2	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007	06020597.8	200314977-2	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007	06020724.8	200500964-2	E-Mail & Correspondence - Foreign Agent		4/23/2007
4/17/2007	0608289.5	200312535-3	E-Mail & Correspondence - Foreign Agent		4/18/2007
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4/17/2007	07666196	200308518-1	Notice (Other)		4/24/2007
4/17/2007	07102746.4	200400797-9	E-Mail & Correspondence - Foreign Agent		4/19/2007
4/17/2007	09639960	200301718-1	Post-Grant Checklist		4/26/2007
4/17/2007	09666910	10002185-1	Post-Grant Checklist		4/26/2007
4/17/2007	09797536	10007858-1	PTO Decision Letter		4/24/2007
4/17/2007	09839664	10005190-1	Notice (Other)		4/24/2007
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4/17/2007	09982247	10004224-1	Post-Grant Checklist		4/26/2007
4/17/2007	1-2006-501768	200208780-16	Notice (Other)	REQUIRED DOCUMENTS	5/7/2007
4/17/2007	10-2001-0005793	200304372-4	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007	10/004089	10017888-1	Office/Examiner's Action	OA FINAL	4/24/2007
4/17/2007	10/015911	10018225-1	Office/Examiner's Action	OA FINAL	4/23/2007
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4/17/2007	10/052305	30960042-14	Post-Grant Checklist		4/26/2007
4/17/2007	10/058228	30012963-3	Notice of Abandonment		4/24/2007
4/17/2007	10/072840	200302014-1	Office/Examiner's Action	OA FINAL	4/23/2007

## Mail Log Affidavit (Appendix A)

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4/17/2007	10/175135	50006854-2	Office/Examiner's Action	OA 3 MO	4/23/2007
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4/17/2007	10/224917	10015772-1	Notice (Other)		4/24/2007
4/17/2007	10/280804	10018798-1	Notice of Abandonment		4/24/2007
4/17/2007	10/285927	10017345-1	PTO Decision Letter		4/24/2007
4/17/2007	10/353632	200308777-1	Post-Grant Checklist		4/26/2007
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4/17/2007	10/427525	200207630-1	Post-Grant Checklist		4/26/2007
4/17/2007	10/431920	200208042-1	Post-Grant Checklist		4/26/2007
4/17/2007	10/438659	200308728-1	Interview Summary		4/25/2007
4/17/2007	10/453103	200208676-2	Notice (Other)		4/24/2007
4/17/2007	10/460481	10012396-1	Restriction Requirement	RESTRICTION	4/23/2007
4/17/2007	10/533291	200316610-2	Restriction Requirement	RESTRICTION	4/24/2007
4/17/2007	10/618979	10971836-4	Restriction Requirement	RESTRICTION	4/24/2007
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4/17/2007	10/644184	10991204-2	Office/Examiner's Action	OA FINAL	4/23/2007
4/17/2007	10/646079	200206933-1	Post-Grant Checklist		4/26/2007
4/17/2007	10/658981	200310485-1	Post-Grant Checklist		4/26/2007
4/17/2007	10/668141	200300101-1	Office/Examiner's Action	OA 3 MO	4/23/2007
4/17/2007	10/675387	200205232-1	Office/Examiner's Action	OA 3 MO	4/24/2007
4/17/2007	10/683527	200309813-1	Notice of Allowance and Fee(s) Due		4/24/2007
4/17/2007	10/690727	200310431-1	Post-Grant Checklist		4/26/2007
4/17/2007	10/696824	10970996-7	Post-Grant Checklist		4/27/2007
4/17/2007	10/698413	200309960-1	Post-Grant Checklist		4/26/2007
4/17/2007	10/698717	200310817-1	Advisory Action	ADVISORY	4/24/2007

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Mailing Date	Application Number	Hewlett-Packard Document Number	Type of Document	Action Due	Date of Receipt
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4/17/2007	10769127	200209576-1	Advisory Action	ADVISORY	4/26/2007
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4/17/2007	10827528	200400478-2	Notice of Recordation of Assignment		4/27/2007
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4/17/2007	10329666.2	100202113-2	E-Mail & Correspondence - Foreign Agent		4/18/2007
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4/17/2007	11026367	200314526-1	Notice of Allowance and Fee(s) Due	ISSUE FEE 3 MO	4/24/2007
4/17/2007	11042428	200407393-1	Notice of Abandonment		4/23/2007
4/17/2007	11055907	200407445-2	Post-Grant Checklist		4/26/2007
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4/17/2007	11085883	200314267-1	Post-Grant Checklist		4/27/2007
4/17/2007	11111090	200503517-1	Office/Examiner's Action	OA 3 MO	4/23/2007
4/17/2007	11191115	200405835-1	Post-Grant Checklist		4/26/2007
4/17/2007	11192762	200501990-1	Office/Examiner's Action	OA 3 MO	4/24/2007
4/17/2007	11200670	200405640-1	Office/Examiner's Action	OA 3 MO	4/23/2007
4/17/2007	11259284	200403266-1	Office/Examiner's Action	OA 3 MO	4/24/2007

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4/17/2007	11264310	200407093-1	Post-Grant Checklist		4/26/2007
4/17/2007	11350998	10980798-7	Post-Grant Checklist		4/26/2007
4/17/2007	11650377	200601955-1	Corrected Filing Receipt		4/24/2007
4/17/2007	11650377	200601955-1	Notice of Recordation of Assignment		4/26/2007
4/17/2007	11669889	200602015-1	Notice of Recordation of Assignment		4/26/2007
4/17/2007	11669899	200602023-1	Corrected Filing Receipt		4/24/2007
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4/17/2007	11700566	200601902-1	Filing Receipt		4/24/2007
4/17/2007	11700694	200601154-1	Filing Receipt		4/25/2007
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4/17/2007	2003-7013656	10001074-12	Notice (Other)		4/25/2007
4/17/2007	2003-7014017	10002131-14	Notice (Other)		4/24/2007
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4/17/2007	200580012166.4	200312860-3	E-Mail & Correspondence - Foreign Agent		4/24/2007
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4/17/2007	815CHE/2007	200603212-1	Filing Receipt		9/14/2007
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4/17/2007	P2002-152841	10002592-2	E-Mail & Correspondence - Translation		4/19/2007



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2/21/2008

Mailing Date	Application Number	Hewlett-Packard Document Number	Type of Document	Action Due	Date of Receipt
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## Imerlin Country Application Print Screen

Patent No:

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Grant Date:

2003-Oct-1

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PD Date: 2002-Sep-11

Local O/C: Dan C. Hu

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Entity Loc: SCR PA

For Agent:

Hugh P. Gortler

Writer:

#1 Inventor: David Lowell

Title: Interposing A Virtual Machine Monitor And Devirtualization Computer Hardware

Notes:

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